Petitioners

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* Case No. 93-186-A Richard C. Powell, et ux

* * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Zoning Variance filed by the owners of the subject property, Richard C. and Nancy G. Powell. The Petitioners request relief from Section 413.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing identification sign of 16.sq.ft. in lieu of the permitted 1 sq.ft., in accordance with Petitioner's Exhibit 1.

Appearing on behalf of the Petition was Richard C. Powell, property owner. There were no Protestants.

Testimony indicated that the subject property, known as 1006 Dulaney Valley Road, consists of 0.27 acres, more or less, zoned D.R. 3.5 and is improved with a two story dwelling and an attached one story office. Said property was the subject of previous Case No. 85-333-X in which the Petitioner was granted a special exception to continue operating a dental office on the premises. The instant Petition was filed as a result of a zoning violation notice received by the Petitioners as to the size of an existing identification sign. Dr. Powell testified that he contracted to have the subject sign erected on the property in 1988. The subject sign is two sided with approximately 8 sq.ft. of surface area on both sides as depicted on Petitioner's Exhibit 1. Dr. Powell testified that the sign company advised him the size and lettering of the subject sign were neces-

sary in order to be visible to motorists travelling along Dulanev Valley Road, which has a speed limit of 40 mph. Testimony further indicated that the subject sign is illuminated with spot lights which come on at dusk and go off at 11:00 PM daily. Dr. Powell testified that the subject sign has existed on the property for the past 4 and 1/2 years without prior complaint. He stated that there was another identification sign on the property but that it had been knocked down a few times. Dr. Powell testified that he has spoken with his immediate neighbors who have no objections to the existing sign. Further testimony indicated that the Petitioners have the support of the majority of their neighbors in the surrounding community as evidenced by the Petitioners' submission of 53 letters of support and approval from various area residents.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

> 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily

2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

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Baltimore County Government Zoning Commissioner Office of Planning and Zoning

Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

January 13, 1993

Dr. & Mrs. Richard C. Powell 1006 Dulaney Valley Road Towson, Maryland 21204

RE: PETITION FOR ZONING VARIANCE W/S Dulaney Valley Road, 193' N of Locustvale Road (1006 Dulaney Valley Road) 9th Election District - 4th Councilmanic District Richard C. Powell, et ux - Petitioners Case No. 93-186-A

Dear Dr. & Mrs. Powell:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3351.

Very truly yours,

Deputy Zoning Commissioner for Baltimore County

TMK:bis

cc: People's Counsel

Petition for Variance to the Zoning Commission for the property located at 1006 Dulaney Valley Rd which is presently zoned DR 3.5 This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 4/3.1 A TO persunt a 16 Square foot sign in liew of the permitted one squar foot 515m of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or see atlached Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County. I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the Contract Purchaser/Lesse Richard C. Powell Nancy G. Power Mancy & Kewell 1006 Dulaney Volleyed 337393 (Type or Print Name Touson Md 21204 Name, Address and phone number of legal owner, contract purchaser or representative 2 2 2 PLZ SET FOR TUES OR THURS AM OR FRI. PM.

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented. it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this $\frac{130}{100}$ day of January, 1993 that the Petition for Zoning Variance requesting relief from Section 413.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing identification sign of 16.sq.ft. (8 sq.ft. per side) in lieu of the permitted 1 sq.ft., in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

> 1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted shall be rescinded.

> > **PETITION**

to amend Case #85333 for special exception.

For practical purposes, the sign:

This is a petition for variance from size regulation on a Dentist's Office sign, and

A special exception was granted in 1985 for Dr. Richard C. Powell to continue the

In recent years, the widening of Dulaney Valley Road, the increased speed limit,

operation of a Dental Office at 1006 Dulaney Valley Road. This location has been in

and the volume of traffic have made a smaller sign impractical. Four (4) years ago, two

(2) smaller signs were stolen or destroyed within months, therefore, the existing sign was

(a) ...identifies, at a glance, the office entrance to minimize

property. (The sign is for drivers, not walkers.)

(b) ...is legible from both sides of the widened road during

(c) ...is substantial, eliminating previous problems of destruc-

(d) ...identifies the office for patients who may be unfamiliar

with the area (as well as those who have visited the office

have never been any complaints. This solitary complaint is

from a renter living several exits away, off Rt. 695, with

...aesthetically, in keeping with the neighborhood, there

heavy traffic flow at a speed of 40-mph.

tion by vandalism, cars, and snow removal.

previously) or traffic patterns.

a history of "sign" complaints.

interference with the traffic. (At this location, drivers

are merging onto Dulaney Valley Road, increasing their speed,

and in many instances, changing lanes for the Goucher College

or new Mall entrance. Also, there is no sidewalk in front of the

use as a Dental Office identified with a sign for over thirty years.

92-186A

2) The relief granted herein is limited to the existing sign of 16 sq.ft. total, or 8 sq.ft. per side, as depicted on Petitioner's Exhibit 1. In the event it becomes necessary to replace the sign in the future, strict compliance with the B.C.Z.R. in effect at that time will be required, or the Petitioner's must file a new Petition.

3) The illumination of the subject sign is limited to the hours between dusk and 11:00 PM. At no time shall the subject sign be lit after 11:00 PM.

4) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

> My the Hotrow
> TIMOTHY M KOTROCO Deputy Zoning Commissioner

TMK:bjs

for Baltimore County

PETITION CE-186-A

If the sign is removed, and a smaller "code" sign (1/2-square foot on each side) is erected:

- (a) ...drivers, (especially the elderly), could not quickly identify and read the sign from both sides of the road and during winter and evening hours.
- (b) ...drivers slowing down, or stopping to read the sign, would impede traffic. (Speed limits is 40-mph).
- (c) ...patients seeking the office might miss it entirely, especially in emergency situations. Dr. Powell draws patients from the Baltimore/Washington corridor, and patients from his satellite office in Columbia, who come to Towson for general and/or emergency care and therefore, are not familiar with the area or traffic patterns.
- (d) ...loss of general knowledge that a local Dental Office is located at 1006 Dulaney Valley Road.
- (e) ...the past history of vandalism has proven that a smaller sign is "easy prey," resulting in replacement costs and increased insurance claims that threaten future coverage.

We, our patients, and many from the community, feel there is no evidence that the existing sign size will or has in any way adversely affected the health, safety and/or general welfare of the public. To the contrary, we feel that the sign, as it is, will and has had the opposite affect.

At least once or twice a week, new patients coming to the office for the first time, will use our sign to locate the office. Often these people are in pain, elderly, and unfamiliar with the Towson area. It is essential they find us quickly and safely for their health and general welfare*. It is equally important that those seeking dental care do not hinder the traffic flow by slowing or stopping to identify our location. Our sign aids in non-patients' health, safety, and general welfare.

93-186-A **PETITION**

Over forty thousand cars pass travel on Dulaney Valley Road in a 24-hr. period. Maryland State Traffic Division did a study of number of cars/24-hr:

2/23/84 -- 16,000 to 17,000 cars/24-hr. 9/15/88 - 43,000 cars/24-hr. (Before New Mall) Present estimated: 60,000 plus cars/24-hr.

Also, please note that the average noise level taken in 1988 was equal to the environmental standard for an industrial zoned area.

DENNIS N. MILLER EDWARD F. DEIADO-LOHR ORUGE E. DOAK

GERHOLD, CROSS & ETZEL Registered Professional Land Surveyors SUITE 100

410-823-4470

FAX 410-823-4473

320 EAST TOWSONTOWN BOULEVARD PHILIP IL GROSS TOWSON, MARYLAND 21286-5318 JOHN F. ETEEL

WILLIAM G. ULRICH

November 23, 1992

Description To Accompany Zoning Petition Lot 3, Block 4 "Plat 1, Dulaney Manor" West Side of Dulaney Valley Road North of Locustvale Road Winth Election District, Baltimore County, Maryland

Beginning for the same at a point on the western right of way line of Dulaney Valley Road, variable width, 193 feet, more or less, north of the centerline of Locustvale Road, 50 feet wide, thence binding on said right of way line, (1) North 8 degrees 47 minutes 41 seconds East 80 feet, thence leaving said right of way line and running and binding on the outlines of said lot, (2) North 81 degrees 12 minutes 19 seconds West 150 feet, (3) South 8 degrees 47 minutes 41 seconds West 20 feet and (4) (3) South 8 degrees 47 minutes 41 seconds West 80 feet and (4) South 81 degrees 12 minutes 19 seconds East 150 feet to the point of beginning.

Containing 0.27 of an acre of land, more or less.

This Description has been prepared for zoning purposes only and is not intended to be used for conveyance.

Date of Posting 11/24/92 Richard Y Nancy Pressy W/s Daloney Valley Rt. 183' N/boartol KA Facing Lood Way, on proporty of Latition

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of weeks, the first publication appearing on 1217, 1992

THE JEFFERSONIAN.

5. Zehe Orling
Publisher

1 square Zoning Administration & Development Management Tri 'est Chese, eake Avenue To see, Juryland 21204 Account: R-001-6150

Baltimore County Government Office of Zoning Administration and Development Management

(410) 887-3353

DATE: 12.21.92

Richard and Mancy Powell 1006 Dulaney Valley Road Towson, Maryland 21204

111 West Chesapeake Avenue

Towson, MD 21204

CASE NUMBER: 93-186-A (Item 192) W/S Dulamey Valley Road, 193' N of Locustvale Road 1006 Dulaney Valley Road 9th Election District - 4th Councilmanic Petitioner(s): Richard C. Powell and Nancy G. Powell HEARING: TUESDAY, JANUARY 12, 1993 at 9:30 a.m. in Rm. 106, Office Building.

Dear Petitioner(s):

Please be advised that \$ 66.48 is due for advertising and posting of the above captioned property and hearing date.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return sail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 109, Towson, Maryland 21204. Place the case number on the check and make same payable to Baltimore County, Maryland. In order to avoid delay of the issuance of proper credit and/or your Order, immediate attention to this matter is suggested.

Baltimore County Government Office of Zoning Administration and Development Management

111 West Chesapeake Avenue

Towson, MD 21204

(410) 887-3353

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesepeaks Avenue in Tousen, Haryland 21204

Room 118, Old Courthouse, 400 Washington avenue, Townon, Haryland 21204 as follows:

W/S Dulancy Valley Wood, 193' N of Locustvale Road 1006 Dulaney Valley Road 9th Election District - 4th Councilmenic Petitioner(s): Richard C. Powell and Mancy G. Powell HEARTHS: TUESDAY, JANUARY 12, 1993 at 9:30 a.m. in Rm. 106, Office Building.

Variance to permit a 16 square foot sign in lieu of the permitted one square foot sign.

CASE MURBER: 93-186-A (Item 192)

Baltimore County Government
Office of Zoning Administration and Development Management

111 West Chesapeake Avenue Towson, MD 21204

December 31, 1992

(410) 887-3353

Mr. and Mrs. Richard C. Powell 1006 Dulaney Valley Road Towson, MD 21204

RE: Case No. 93-186-A, Item No. 192 Petitioner: Richard C. Powell, et ux Petition for Variance

Dear Mr. and Mrs. Powell:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Baltimore County Government Office of Zoning Administration and Development Management

Please Make Checks Payable To: Baltimore County 408Ah01-12-93

DARDORROOK PRESENTE

111 West Chesapeake Avenue Towson, MD 21204

Arrest Sant Street Company

(410) 887-3353

Your petition has been received and accepted for filing this

Petitioner: Richard C. Powell, et ux Petitioner's Attorney:

1st day of December 1992.

Revid 114/93

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Development Review Committee Response Authorized signature	e rorn	Date 12/21/98
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Richard C. and Nancy G. Powell	192	NO
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SHA	Maryland Department of Transportation State Highway Administration
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O. James Lighthizer Secretary Hal Kassoff

Ms. Julie Winiarski Re: Baltimore County
Item No.: + 192 (JL) Zoning Administration and Development Management Richard C. + Nancy G. Powell County Office Building

Dear Ms. Winiarski:

111 W. Chesapeake Avenue Towson, Maryland 21204

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration

Please contact David Ramsey at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

David A Ramsey 12/10/12 John Contestabile, Chief
Engineering Access Permit

My telephone number is _____

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

INTER-OFFICE CORRESPONDENCE Arnold Jablon, Director Zoning Administration and

DATE: December 15, 1992

Development Management FROM: Pat Keller, Deputy Director

Petitions from Zoning Advisory Committee (December 14, 1992)

Office of Planning and Zoning

The Office of Planning and Zoning has no comments on the following petitions:

BALTIMORE COUNTY, MARYLAND

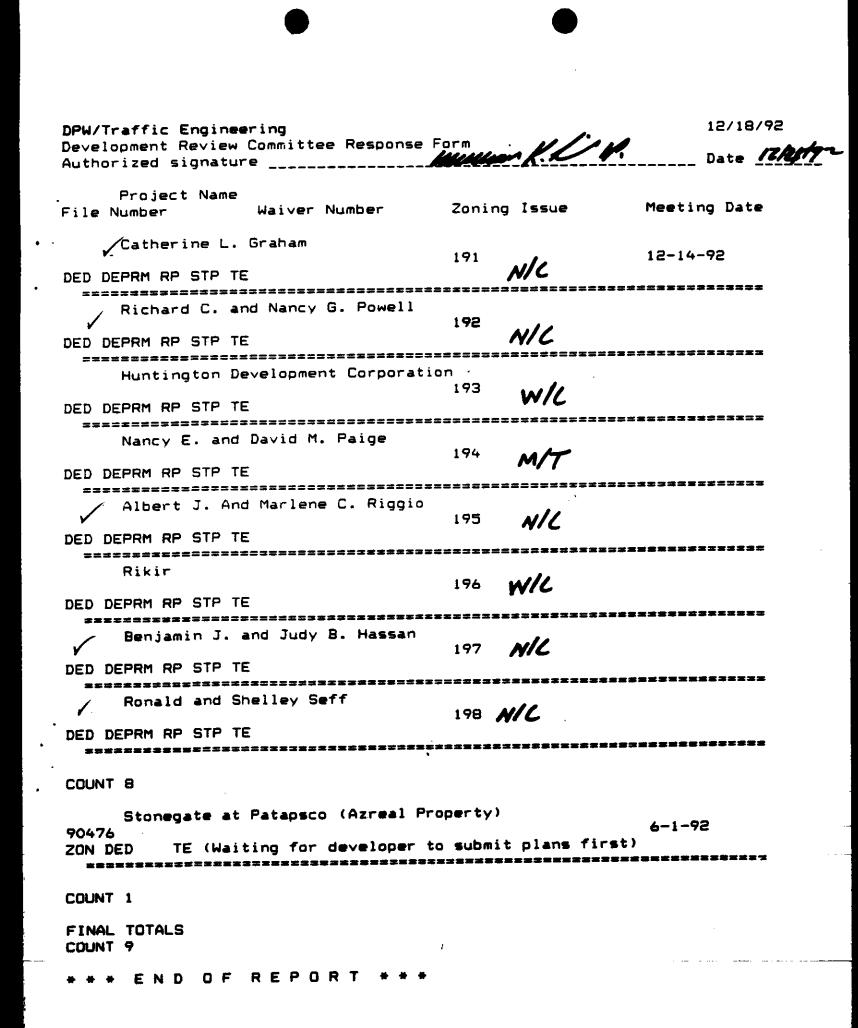
Catherine L. Graham, Item No. 191 Richard and Nancy Powell, Item No. 192 Huntington Development Corp, Item No. 193 Albert and Marlene Riggio, Item No. 195/ Benjamin and Judy Hassan, Item No. 197/

If there should be any further questions or if this office can provide additional information, please contact Francis Morsey in the Office of Planning at 887-3211.

Prepared by: Juance Mowey

Division Chief: Cay (Clemn

Rec'd 12/21/92 1912357.ZAC/ZAC1





700 East Joppa Road Suite 901 Towson, MD 21286-5500

DECEMBER 15, 1992

(410) 887-4500

Arnold Jablon Director Zoning Administration and Development Management Baltimore County Office Building Towson, MD 21204

RE: Property Owner: RICHARD C. POWELL AND NANCY G. POWELL Location: #1006 DULANEY VALLEY ROAD

Zoning Agenda: DECEMBER 14, 1992 Item No.: + 192 (JLL) Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: Capt. John Planning Group Special Inspection Division

JP/KEK



INTER-OFFICE CORRESPONDENCE

Lawrence E. Schmidt

Zoning Commissioner

DATE: December 11, 1992

James H. Thompson Zoning Enforcement Coordinator

SUBJECT:

Item No. 192

PETITIONER: Richard C. Powell

VIOLATION CASE NO.:

C-93-580

LOCATION OF VIOLATION: 1006 Dulaney Valley Road

Richard C. Powell

1006 Dulaney Valley Road Please be advised that the aforementioned petition is the subject

of an active violation case. When the petition is scheduled for a public hearing, please notify the following persons:

Sara Sherrer

19 Treeway Court, Apartment 3D Towson, Maryland 21204

After the public hearing is held, please send a copy of the zoning commissioner's order to the zoning enforcement coordinator, so that the appropriate action may be taken relative to the violation case.

cc: Gwen Stephens

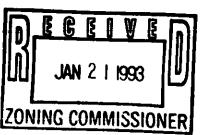
Zoning Commissioner Balfinlore County, Md.

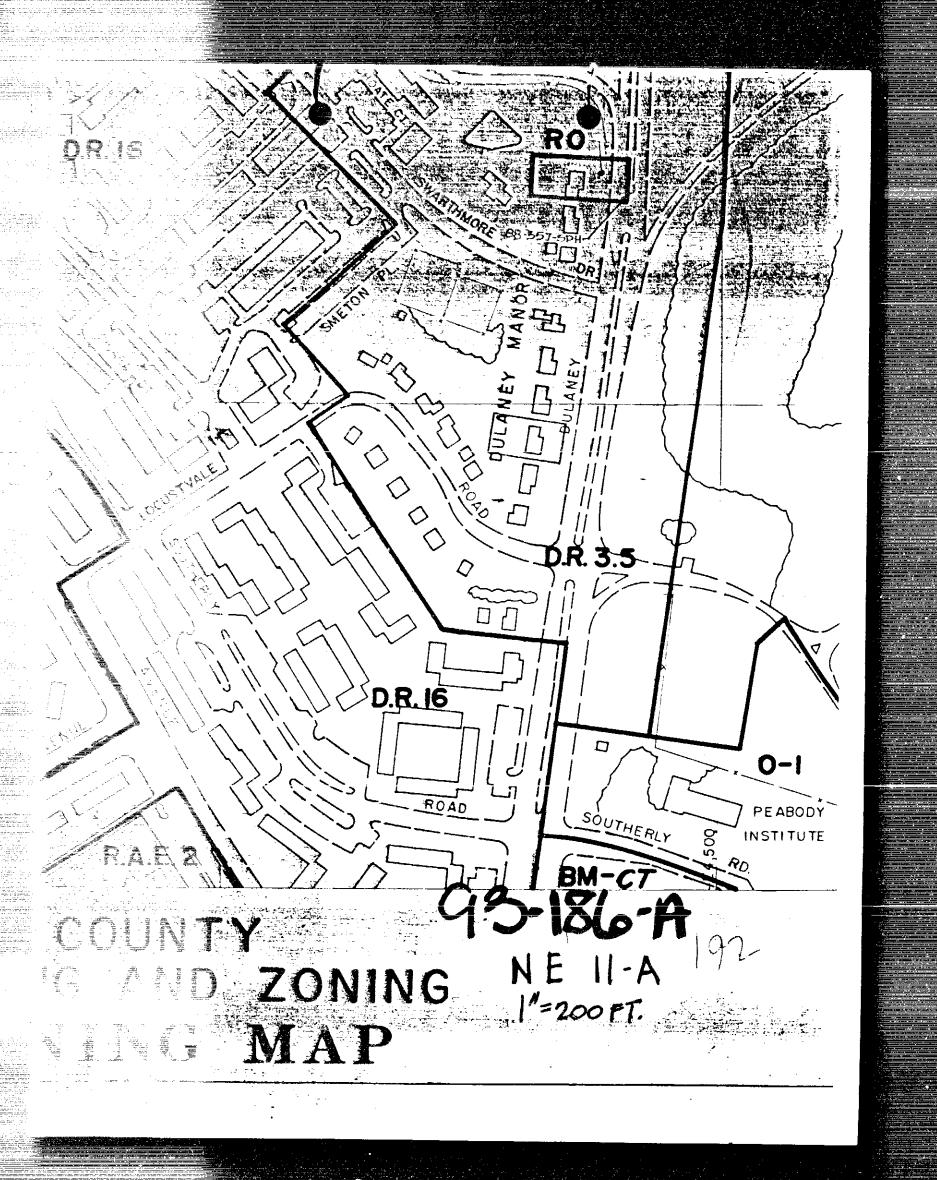
Thison, md 2/204

I and my family have been the patient of Dr. Richard Powell D.D.S. for Zeans since he took over the practice of our previous dentist, Dr. Bryant at show office.

bil he regressing a favorable he consideration for Dr. Powell to keep his present thee standing sign. This sign heally kelps us in getting to his africe together. It visially quides he to slow down while approaching it host often I take the taxi cat in setting to his effice and This sign helps once without this sign, the carb driver turned into the building before Dr. Ponelle office, remarking he did not see the sign (original) because it was too small & inconspicuous. Haping in jour kind consideration

Swienely Larguity





To Whom it May Concell.

The sign outside Dr. R. Powell's office I believe to be quite acceptable for the neighbourhood.

7106 Charles Spring Way
Baltimole
TTD. 21204

43 186 A

